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**OFFICE OF PETITIONS**

In re Application of :  
Hirano et al. :  
Application No. 10/774,213 : ON PETITION  
Filed: 6 February, 2004 :  
Attorney's Docket No. 09792909-5790 :

This is a decision on the petition filed on 28 May, 2004, requesting that the above-identified application be accorded a filing date of 6 February, 2004, with Figures 3A-3C of the specification as a part of the original disclosure.

The petition is granted.

The application was filed on 6 February, 2004.

Accordingly, on 6 May, 2004, Initial Patent Examination Division mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of 6 February, 2004, but that Figures 3A-3C described in the specification appeared to have been omitted.

In response, on 28 May, 2004, the present petition and one (1) sheet of drawings containing Figures 3A-3C described in the specification was filed. Petitioners argue that the sheet of drawings containing Figures 3A-3C was filed with the other application papers on 28 May, 2004, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of 02/06/04, the above-identified application number, and identifies the application by the first named inventor's name, and attorney docket number, and acknowledges receipt of, *inter alia*, "Copy of Formal Drawings (7 sheets)". Petitioners request that the application, including one (1) sheet of drawings

containing Figures 3A-3C described in the specification, be accorded a filing date of 6 February, 2004.

A review of the record reveals that no sheet of drawings containing Figures 3A-3C described in the specification has been located among the application papers received on 6 February, 2004. However, the evidence is convincing that the application papers deposited on 6 February, 2004, included seven (7) sheets of formal drawings, one of which included Figures 3A-3C described in the specification, which was subsequently misplaced in the Office. Therefore, the application, including one (1) sheet of drawings containing Figures 3A-3C described in the specification, is entitled to a filing date of 6 February, 2004.

The "Notice" mailed on 6 May, 2004, is vacated.

In view of the above, the petition is granted. The petition fee of \$130.00 is unnecessary and will be refunded to counsel's deposit account, No. 19-3140.

The application will be processed with the copy of one (1) sheet of drawings containing Figures 3A-3C filed on 28 May, 2004, as a part of the original disclosure.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 6 February, 2004, using the application papers filed on that date, and the sheet of drawings containing Figures 3A-3C supplied with the present petition.

Telephone inquiries should be directed to the undersigned at 703-308-6918.



Douglas I. Wood  
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Office of Petitions